

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America  
v.

Dacious Lamont Smith

Date of Original Judgment: January 7, 2009

Date of Previous Amended Judgment: November 8, 2012

(Use Date of Last Amended Judgment if Any)

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Case No: 7:08-CR-45-1F

USM No: 70328-056

Thomas P. McNamara

*Defendant's Attorney*

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 71 months **is reduced to** 60 months as to Count 1 only.

Count 2 remains 60 months, consecutive.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

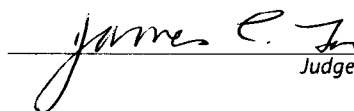
(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated January 7, 2009, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 4/1/14

Effective Date: \_\_\_\_\_

(if different from order date)



*Judge's signature*

James C. Fox, Senior U.S. District Judge

*Printed name and title*